

SECTION 7 FINAL RECORDS

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FINALS

When all work is completed on a project, the records are collected, the pay item quantities are checked and a final estimate and other final documents are prepared for a final. The "final" is a summary of pay item quantities, costs and other data relating to the performance of work on the project. The engineer must compile the final documents and records in accordance with this manual, the Field Sampling and Testing Manual and the Cars Automated Records System (CARS). The project engineer will write a letter to the contractor informing him of any missing required documents (FHWA 47, pit releases, receipts of payments, certifications, etc) that must be submitted before final payment is made.

Semi-Final Estimate

When almost all project work is complete or the project cannot be considered complete because of warranty, a semi-final estimate may be created. A semi-final estimate may be created when at least ninety (90) percent of the project work is complete. The retainage on the semi-final estimate may be reduced to not less than one (1) percent of the total dollar amount of work completed after the following conditions have been met:

1. The quantities being paid must be verified by the project engineer to prevent any overpayment to the contractor.
2. All pit quantities have been checked and a signed SFN 14486 Pit Release and Receipt has been received from the contractor.
3. Any required haul road releases (SFN 14458 Road Release Statement) have been received from the contractor.
4. All payrolls for the prime contractor and all subcontractors along with the required certification statements covering the work completed have been submitted.
5. Any remaining work on the project can be completed without an accrual of liquidated damages.
6. The contractor is making a diligent effort to complete work remaining on the project.

It is also possible in CARS to retain a certain dollar amount which represents less than one percent of the total work. This is not to be used without prior authorization from the Construction Services Division or if the Special Provisions for the project allow for the use of a dollar amount for retainage such as for the warranty period on landscaping projects.

Project Final Preparation Status

Upon project completion, the project engineer should use the Final Checklist in CARS to report the status of the project final. The top portion has basic information about the project such as the prime contractor, the original contract amount, the final contract

amount, the start and completion dates. The project engineer will be required to fill in the text boxes provided for owner, the percent of the final process completed and the tentative final submission date. The Remarks section can be used to note what work remains before the final can be submitted such as checking quantities or missing documents. This portion of the Final Checklist enables Construction Services to schedule work loads and relay information to the contractor regarding status of the project final.

The second half of the Final Checklist Maintenance page contains a list of items commonly submitted with a final along with check boxes. The project engineer should use the list to keep track of these items when preparing the final records.

Consultants, cities and counties may still use SFN 51823 Local Agency Final Checklist to aid in submission of final records.

Final Inspection

A final inspection will be arranged by the owner of the project and conducted for each project. Before final acceptance, the highway, borrow pits and all areas occupied by the contractor in connection with the work will be cleaned of all rubbish, excess materials, temporary structures and equipment. All parts of the work will be left in a condition acceptable to the Engineer.

If the inspection discloses any unsatisfactory work, the contractor will be given the necessary instructions in writing for correcting the work. The contractor will immediately comply with those instructions. After all corrections are made, another inspection will be made which will serve as the final inspection.

The final inspection party will include:

1. The owner (the DOT, city or county or their authorized representative)
2. The district engineer (or an appointed representative)
3. The contractor

Final Acceptance

After a satisfactory final inspection, the contractor will be notified in writing of the date the project was inspected and accepted. The owner or authorized representative will write a project acceptance letter to the contractor with copies to the district office. This final acceptance letter should have no stipulations or conditions of acceptance and is to be written immediately upon completion of the work.

The final acceptance letter can be created in CARS.

1. On the Main Menu, click on the Final Acceptance Letter link. The Final Acceptance Letter page is displayed.

2. Enter the date the project was inspected and the project owner in the text boxes provided.
3. Click on the Submit button. A file download dialog box will appear and you have the option of opening the file or saving it to your computer.
 - a. Picking the Save option will open the Save As dialog box on your computer allowing you to save the file at a location of your choice.
 - b. Picking the Open option will generate the letter in a Word document. The date completed and the acceptance date will be filled. You will also have the option of editing and saving the letter.

SUBMISSION OF FINAL RECORDS

When the project is accepted, all project records and documents are gathered for submission of the final.

Pay Quantities

1. All quantities must be entered in the quantity book and reference must be made to the source documentation.
2. All necessary measurements and calculations are shown on the source document and paid according to the plans and specifications.
3. All computations on the source documents have been checked for accuracy.
4. Earthwork quantities determined by plotting, bugging and earthwork computations sheet or those quantities computed using Roadrunner or a similar program, must be checked by Construction Services prior to submission of the final. Excavation and borrow quantities may be recorded as estimated amounts until actual computations are made. Earthwork quantities computed using Geopak do not have to be checked prior to final submission. Check any computations for small field measured quantities for accuracy. Subtract any previously entered estimated amounts.

Final Estimate

Once all quantities have been checked and all required project documents have been collected, the project engineer prepares and approves the final estimate. After the final estimate is approved, the project engineer will no longer have access to the project except to view the records. The final estimate must be printed and included in the final records.

Final Acceptance Letter

A copy of the Final Acceptance letter to the contractor is included in the final.

Project Engineer's Report on Materials Acceptance SFN 10110

All materials incorporated in the project will be listed on this report by contract bid item in spec and code order. The appropriate approval numbers for certifications, shop drawings, testing, etc. are filled in. The completed report is forwarded to the District Materials Coordinator and used to produce the Combined Materials and Project Acceptance Letter. A printed copy of the report is included in the final records.

Contract Time Adjustments

The project engineer is responsible for addressing contract time adjustments. Section 108.04 of the Standard Specifications and any supplemental specifications provide for the adjustment of contract time under certain conditions. Either the DOT or the contractor may initiate an adjustment of the contract time.

DOT Initiated Time Adjustments (addressed by change order) – All change orders involving added work and compensation will address contract time whether an adjustment is made or not. Section 108.04 of the Standard Specifications provides guidelines for determining time adjustments. Justifiable increases or decreases in contract time should be included in contract change orders whenever the amount of contract time involved can be determined with reasonable certainty. When creating a change order in CARS, the project engineer is given three options to address contract time which are:

1. No change
2. May be revised if the work affects/affected the controlling operation
3. Will increase/decrease by Calendar or Working days.

If a time extension is necessary for some reason other than additional work or compensation, the extension shall be addressed by the project engineer with a change order. The change order must state the increase or decrease in contract time and the reason for it.

Contractor Initiated Time Adjustments are made using SFN 14451 Request for Additional Time. The contractor must submit the request before expiration of the original or extended contract time.

The project engineer will promptly review any time request received. The contractor must provide sufficient documentation and justification to support their position. A letter will be sent to the contractor to acknowledge that the request was received and if necessary, to ask for additional supporting information. If the request is the result of a suspension or delay, refer to Section 104.05 of the Standard Specifications on how to handle it. If the contractor submits poor or no justification, the request may be denied based on the submitted information.

After reviewing the time extension request, the project engineer will prepare a detailed report of the contractor claimed delays and make a recommendation for action on the

time extension. The recommendation should be made on a separate piece of paper not on the Request form.

If the contractor appeals the denial of a time extension, he must do so in writing including the basis for the appeal. The project engineer will advise the contractor to submit all relevant information pertaining to the appeal prior to an appeal hearing.

For NDDOT projects, the project engineer will notify the final approval authority for the original request and arrange a hearing with the contractor. Any new information should be considered and the request reevaluated. After the contractor has been given the opportunity to have a hearing and present his case, a final decision on the time extension request will be made by the highest approval authority for the number of days requested and in all cases, that decision will be final.

For non-NDDOT projects, the project engineer will contact the owner. Any new information submitted by the contractor will be considered and the time extension request reevaluated. The contractor should be notified of the results of the reevaluation. If the owner's action changes, the request will have to be reevaluated for federal aid approval. In all cases, the decision on federal aid eligibility will be made by the DOT at the highest approval authority for the number of days requested and will be final.

Contract Time for Completion SFN 5660

This form is used to show the time used to complete the contract by working days, completion date or completion date with guaranteed working days. The lower portion is designed to show days charged when there are liquidated damages assessed on working day or completion date with guaranteed working day contracts.

The CARS program will fill the top portion of the report from information gathered in other portions of the program. CARS will automatically sort the change orders where time charges were not addressed and calculate any increase in days. If the project engineer has used the project diary in CARS to assess days charged and reasons for time lost on the project, the lower portion of the Contract Time for Completion will be filled.

To create the Contract Time for Completion in CARS:

1. The project status must be completed and the final estimate generated before the Contract Time for Completion can be made.
2. From the Main Menu, click on the Contract Time for Completion link. The Contract Time for Completion page is displayed.
3. Enter the Liquidated Damages dollar amount per day.
4. The Extra Days Due to Increase Override may be used to adjust the extra days due after the contract time has been generated and the project engineer finds it necessary to adjust the number of additional days granted for contract

increases. The override number is determined by adding the number of days for adjustment and the number of days added for contract increases. For example, if the contract increase adds 2 days to the contract and you want to add 3 more days to the contract time, you will enter 5 in the override text box. The override can be used to adjust the number of liquidated damages assessed.

5. A text box is provided for brief remarks if needed. Any adjustment of contract time made with the override must be explained.
6. Check the text box if the working days should be displayed. This will only be required if liquidated damages are being assessed.
7. Click on the Submit button to generate the report.

A printed copy of the Contract Time for Completion is included in the final records.

Project Files and Books

Along with the Project File, the following files and books are submitted with the final records.

1. Materials File – includes all test results, certifications, cutoff reports, etc.
2. Correspondence File
3. Certified Payrolls File – includes payrolls for the prime contractor and all subcontractors
4. Quantity Book
5. Pay Quantity Reports – the pay quantity reports should be filed separately in spec and code order and the reports will be filed in date order within the spec/code section with the most recent date on top. Pay quantity reports should also be separated by subproject.
6. All field books – includes all books recording field measurements, all books recording field data such as testing records, and survey books including slope stake books, bench mark books, cross section books, blue top books, pipe books and alignment books
7. Haul Sheet File – only contractor generated haul sheets are filed and submitted. It is not necessary to print, file and submit CARS generated haul sheets.
8. Inspector's Diaries – all inspector's diaries are filed with the most recent date on top. Diaries may be separated by contractor.
9. Project Diaries – Project diary entries in CARS do not have to be printed and filed. However, if notes are kept in a blue Project Engineer's Diary or a field book, they must be submitted as part of the final records.
10. A transmittal letter including a list of all project records and documents submitted for the project final will be made. The letter should indicate if any pit release/receipts or haul road releases are required. Any missing documents should be listed along with measures taken to obtain them.

Narrative Report

The project narrative is a summary of work elements on the project. The narrative is not required on county projects, seal coat projects or contract patching projects.

Use the following format for the narrative:

PROJECT NARRATIVE:

PROJECT NUMBER:

DISTRICT:

ENGINEER:

DATE:

TYPE OF WORK:

LOCATION:

CONTRACTOR:

SUBCONTRACTOR:

1. The summary can be in narrative format but must be in the following order:
2. Pre-job and job scheduling comments
3. General explanation of work elements involved
4. Items of work performed by the contractor and each subcontractor
5. The narrative summary should include but not be limited to the following:
 - a. Were there project notes or design changes that should or should not be used on similar projects in the future?
 - b. What changes are needed in the existing design and why?
 - c. Were the project notes adequate or inadequate for the construction and contract administration of the project?
 - d. Were there traffic control problems?
 - e. Were the methods of measurement clearly defined?
 - f. Were the responsibilities and duties of the contractor clear?
 - g. Were problems encountered with the contractor's work force?
 - h. Make final recommendations for future projects of a similar nature
6. Attach a copy of the Explanation of Change in Plan

FHWA 47

The FHWA 47 is required on all contracts meeting the following criteria:

1. Federal Aid contract
2. On the National Highway System
3. Contracts of \$1,000,000 or greater

The form is available from the FHWA. A complete set of preparation instructions are found on the reverse side of the form. Only the latest version will be used as the FHWA does not accept outdated forms.

The form is completed by the contractor and sent to the project engineer. The project engineer is responsible for checking the total quantities submitted to insure agreement

with the totals on the final estimate. The project engineer will submit the FHWA 47 with the final records.

Statement of Materials Taken from Pits SFN 10061

The Statement of Materials Taken from Pits is used to inform the Materials Division of the material quantities removed from pits and used on a project. These quantities aid in determining how much material may be available for future projects.

Aggregate material will be listed separately by type and include quantities for waste and private use. Aggregates used in bituminous pavements will be calculated by subtracting the tons of oil used from the total mix tonnage. Quantities from all pits used to produce material for the project must be listed and the statement will be submitted with the final records for the following reasons:

1. Assist in locating materials for upcoming projects, knowing the different elevations where materials were found, the quality produced, etc.
2. Possible future investigation for expansion to adjacent areas
3. Information is supplied to the North Dakota Tax Department
4. Concern the contractors will claim commercial status to eliminate the reporting process

Each item is entered in the applicable column depending on whether material was taken from a state owned, state optioned, private or commercial pit. A commercial pit is defined as one where material is sold on a regular basis not just for the time of the project.

Summary of Aggregate Quality Tests SFN 10072

A summary is submitted for each type of aggregate used on the project and includes test results of all field samples, project record samples and those samples tested in the Central Lab. One copy is submitted to the District Materials Coordinator and the other copy is filed in the materials file with the individual test results for the type of aggregate.

Explanation of Change in Plan

All quantities that overrun or underrun the original contract amount by 5% AND \$5,000 will be explained. CARS assembles all contract items that meet these criteria and displays them in the Explanation of Change in Plan report. To use this list, you will have to copy and paste it into a Word document.

1. Place the mouse pointer directly above the project number on the Explanation of Change in Plan list.
2. Hold down the left mouse button and drag it to the end of the list of contract bid items.
3. When all the items are highlighted, click on the right mouse button and click on the copy command.

4. Open a blank Word document. Paste the Explanation of Change in Plan into the blank document.
5. The list appears in a table format with space under each bid item to type the explanation of change. The lines of the table are hidden and will not show when the Explanation of Change in Plan list is printed.
6. The list also indicates if an explanation was included on the original change order. If so, you will not have to make further explanation of change order items.

Fuel Cost Adjustment SFN 17483

The special provision 'Fuel Cost Adjustment Clause' provides for limited increased costs of motor fuels used to perform contract work. This special provision is not present on all contracts. The DOT establishes a Total Fuel Requirement and a Base Price Index for the contract. Fuel cost adjustments are based on the estimated fuel requirements established for the contract (except as provided for extra work and changed quantities) or the total invoice quantity of motor fuel, whichever is less. Refer to the special provision in the project bidder's proposal for more details.

The prime contractor must apply for the fuel cost adjustment to be eligible for additional payment. The fuel cost adjustment application form is included in the special provision and may also be found on the DOT's website. No adjustment will be made without a properly submitted application. Fuel cost adjustments are paid to the prime contractor and are added to the estimate by contract adjustment.

DBE Participation Certification SFN 14268b

The contractor will submit the DBE Participation Certification as proof of payment to all DBE contractors performing work on the project and listed on SFN 13743 Good Faith Efforts Review. The form lists both the dollar amount of work proposed and the dollar amount of work actually completed by the DBE contractor on the project.

The DBE Participation Certification form will be filled out by the prime contractor according to the instructions at the top of the form. The prime contractor and the DBE contractor/supplier must both sign the form. All DBE forms for the project will be sent to the project engineer and are included in submission of the final records.

Haul Road Release SFN 14458

The contractor is responsible for maintaining public roads and streets used as haul roads during project construction. When hauling is complete, the contractor will leave the haul roads in as good a condition as they were before hauling began. Standard Specification 107.05 B describes the responsibilities and payment for haul road restoration. The Construction Manual may also be used for additional information on haul roads.

The condition of the haul road should be well documented in the pre-haul inspection. The project engineer will communicate with the county or township officials before making a final decision about what restoration will be performed.

The haul road restoration should be performed by the contractor as specified in the contract and the haul road release should be obtained as soon as possible. The Haul Road Release must be signed by an authorized representative of the county or township where the haul road is located.

The contractor will submit the haul road releases to the project engineer. The release will be submitted as part of the final records. If no haul roads were used, it should be noted in the transmittal letter submitted with the final records.

Pit Release Statement and Receipt of Payment for Materials SFN 14486

The pit release and receipt of payment shows that payment has been made to a pit owner and that the contractor has cleaned the pit area to the satisfaction of the pit owner. Proof of payment and the release from the owner are part of the requirements for reduction of retainage on the semi-final progressive estimate. The form must be signed and witnessed for the release section and also for the receipt section.

The pit release/receipt of payment is required for state owned, state optioned and privately owned pits. The following procedure is generally followed.

1. After all material has been removed from a pit, the project engineer will check the pit quantities. The project engineer will notify the landowner and the contractor in writing of the quantities removed from the pit. The total amount removed from the pit will include any quantities for waste, private use, etc. Copies of the letter are sent to the Materials Division and to Construction Services. The project engineer may partially fill out the pit release/receipt before mailing it to the contractor which insures the correct form is used. It is the contractor's responsibility to complete and return the form.
2. Special instructions regarding conditions of the pit option are generally shown on the pit plat and should be checked to insure the contractor has fulfilled the requirements of the option. The district engineer will indicate pit conditions. The district engineer will sign the pit release and receipt forms for work in DOT owned pits.
3. Aggregate removed from contractor optioned pits and state optioned pits will require the pit release and receipt. A receipt of payment is not required for commercial pits.
4. When the pit operation is complete, the backfill replaced and the area reclaimed as required, the owner will sign the pit release statement. State owned pits shall be left in a condition satisfactory to the district engineer. The pit release/

receipt must be dated, signed by the pit owner or legal representative and witnessed.

5. The pit release/receipt is required for all pits except when material is supplied by a commercial supplier.

The pit release/receipt forms will be submitted with the final records.

T.E.R.O Proof of Payment

When a portion or all of the project limits are within an Indian reservation, the Tribal Employment Rights Ordinance (TERO) Requirements special provision may be part of the contract documents. Part of the TERO special provision provides a fee to be paid to the tribe residing on the reservation. The contractor will provide the project engineer with documentation from the proper tribal authority that the TERO payments have been made before final acceptance of the project.

As Built Plans

The project engineer will keep an accurate list of construction changes for the development of as-built plan sheets. The as-built plan sheets will be used to update the original master plan sheets and roadway information databases such as Highway Components and RIMS Inventory.

1. The original PE stamped plans will be micro-filmed.
2. Hard copy (paper) as-builts must be sent in with the project final records.
3. Hard copy (paper) as-builts are required for only the plan sheets that have changes.
4. Hard copy (paper) as-builts can be hand drawn or created electronically and printed for micro-filming. Electronically drawn as-builts will not be required but are acceptable if they are printed for microfilming. If as-built plans are created electronically, see the NDDOT CADD Standards Manual for recommended procedures.
5. Any plan sheet changes created by change order must be included in the as-built plans.
6. Red ink or pencil will not be used for as-builts since it does not show up well on micro-film. All changes to the as-built plan sheets will be made in blue.

The following is a list of changes to be noted and revised by the project engineer in the as-built plans. This list is not intended to be inclusive. Anything that could ultimately have an effect on a future project should be included in the as-builts.

1. Changes to the beginning and ending project stations should be noted on the title sheet. Also document station changes to skip or exception areas such as bridges.

2. Changes to horizontal and vertical alignments (profile/grade)
 - a. Ties to reference points pertaining to horizontal alignment
 - b. Changes in horizontal alignments should be redrawn
 - c. Changes in profiles are not typically redrawn. The changes in the design vertical curve table are struck out and the actual curve information is written next to the table.
 - d. Changes in ditch grades should be documented similar to roadway profiles.
3. Changes to typical sections including base or surfacing thickness, width of lanes and shoulders, super elevation, in-slope, etc.
4. Changes to topographical features such as:
 - a. Pavement tapers and transitions
 - b. Driveway locations and sizes
 - c. Sidewalk width and location
 - d. Curb size and location
 - e. Fencing
 - f. Striping and pavement marking
 - g. Location, length, etc. of safety appurtenances and shoulder rumble strips
 - h. Location of signal and lighting standards
5. Changes to the location, elevation or size of pipes and drainage structures
6. Changes to soil conditions such as:
Locations and depth of subcuts
Geotextile fabric
7. Changes to right-of-way and borrow easement
8. Changes to the location, elevations, dimensions, etc. of box culverts and bridges
9. Changes to permanent bench marks
10. Changes in removal items
11. Changes in the placement of trees, shrubs, planters, and retaining walls

Changes to cross sections are not required in the as-built plans. If the project owner is the NDDOT, the electronic files used to calculate final earthwork quantities must be saved in the project as-built folder on the Central Office CADD server (R: drive). If earthwork was calculated from cross sections, the working cross section drawing, earthwork input file or project manager run, and the earthwork log file must be included. If earthwork was calculated directly from a DTM, the as-built TIN file and the drawing that shows the clip boundaries and earthwork reports must be included.

Changes to the following sheets are not typically documented in an as-built set of plans:

1. Changes do not need to be made on the quantity sheets
2. Temporary items such as construction signing, detours and bypasses are not required

Test Hole Pit Plat Records

When gravel pits with pit plats are used on a project, the pit plat shall be updated to indicate areas of the pit that have been mined. The areas used shall be marked with cross hatching and the quantity used documented. Copies of the plats will also be sent to the Materials and Research Division.

Miscellaneous Project Records

Miscellaneous project records such as haul tickets, profilograph rolls and hand plotted cross sections will be included in the final records. Concrete tickets do not have to be submitted but should be retained at the district until final payment has been made.

DISTRICT REVIEW

All final records and documents are submitted to the district office for review. The district will review all records and documents for accuracy and that they conform to accepted procedures.

When the district is satisfied that all records and documents comply with all DOT policies and procedures, the district engineer will approve the final estimate and write the Combined Project/Materials Acceptance Letter to the FHWA. A copy of the combined letter will be attached to the project engineer's acceptance letter and will go with the other records and documents submitted with the final. Copies will also be sent to:

1. DOT – Construction Services
2. DOT – Materials & Research
3. Political Subdivision
4. Project Engineer
5. District Materials Coordinator

The combined project/materials acceptance letter is not required for projects that are 100% District or State funded or for Transportation Enhancement (TE) projects. The DOT will require a copy of the project engineer's acceptance letter only for TE projects. Projects that are 100% District or State funded will require a copy of the project engineer's acceptance letter and a materials acceptance letter.

On projects that are 100% District or State funded, Construction Services will not check the final records except to insure that all required final documents are submitted. For these projects, the district will:

1. Check and verify all final quantities
2. Obtain all pit release/receipts, haul road releases, etc. before submission of the final estimate.
3. Forward the final records to Construction Services to be included in the project file.

REVIEW BY CONSTRUCTION SERVICES

After the district review is complete, all final records and documents will be sent to Construction Services for final review.

The Records Section will review records for accuracy and that they conform to accepted policies and procedures. When checking is complete, a memo listing any discrepancies found, missing documents, etc., will be written to the project engineer with a copy sent to the district engineer.

For projects with no missing records, documents or other unresolved issues, the following will be sent to the contractor:

1. A copy of the final estimate
2. A stamped copy of the final voucher for the contractor's signature

After the contractor signs and returns the final voucher, it will be forwarded to Finance and final payment will be made.

For projects that have missing records or documents or have other unresolved issues the following will be sent to the contractor:

1. A copy of the final estimate
2. A copy of the Contract Time for Completion
3. A letter listing missing items

For projects where the contractor disputes quantities, liquidated damages, payments for extra work, materials failure deductions, etc., the final estimate will reflect the owner's position for these items and should be complete.

The estimate will be held until the missing documents are received and/or the disputes have been resolved. After these conditions are met, a copy of the estimate and the stamped final voucher will be sent to the contractor.

When the signed final voucher has been returned, it will be forwarded to Finance and the final payment will be made.

For city or county projects, the letter to the contractor will be sent by the project engineer not from Construction Services.

If all requirements are met and the contractor signs the final voucher representing an overpayment on the contract, a letter will be sent to the contractor requesting payment.

FINAL PAYMENT

After final payment has been made to the contractor for city or county projects and the FHWA has processed the final voucher, Construction Services will return project records to the city or county for storage. The city or county will retain these records for three years after the final voucher is issued by FHWA.